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OFFICE OF PETITIONS

**DECISION GRANTING
PETITION**

STEPHEN C. DURANT
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In re Application of
GILSON, KENT
Application No. 09/747,602
Filed: 12/22/00
Attorney Docket No. 404332000200

This is a decision on the May 14, 2001 petition requesting that the above-identified application be accorded a filing date of December 22, 2000.

The United States Patent and Trademark Office (hereinafter "USPTO") received this application on December 22, 2000. However, on March 7, 2001, the Office of Initial Patent Examination (hereinafter "OIPE") mailed a "Notice Of Incomplete Nonprovisional Application" (hereinafter "notice") noting that the application had not been granted a filing date due to Applicant's failure to include a specification in this application. The notice further stated that the filing date would be the date of receipt of the omitted specification unless a petition was filed that successfully showed that the missing item(s) had been included with the application.

Petitioner responded with the May 14, 2001 filing of this petition. The petition included, among other things, the declarations of Stephen C. Durant, Donalyn Pryor, and Charmayne Wilson, a copy of a return receipt postcard, a copy of the Express Mail label submitted with the application, and a copy of the transmittal letter used with the application. The copy of applicants' postcard receipt indicates receipt of the specification with the rest of the application on December 22, 2000.


In view of the above, it is concluded that the complete specification was filed on December 22, 2000, and later misplaced in the PTO. Accordingly, *this petition is **granted***.

The \$130.00 petition fee paid for this petition is accordingly unnecessary. A refund of the fee will be sent to Petitioner via United States Treasury check in due course.

The application is being returned to OIPE for further processing with a filing date of December 22, 2000, using the copy of the specification supplied with this petition.

In re Application of Gilson

Any questions regarding this decision should be directed to Petitions Attorney Scott M. Ledford at (703) 306-5593.

A handwritten signature in cursive script, appearing to read "Beverly Flanagan", written in black ink.

Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects